

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARNELL A. DAVIS,	§
	§ No. 404, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 0307017279
	§
Plaintiff Below-	§
Appellee.	§

Submitted: August 9, 2006
Decided: August 17, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 17th day of August 2006, upon consideration of the appellant's untimely notice of appeal, the notice to show cause issued by the Clerk, and the appellant's response thereto, it appears that the appellant's failure to timely file his appeal is not attributable to court-related personnel.¹ Accordingly, this Court does not have jurisdiction to hear this untimely appeal.

¹*Bey v. State*, 402 A.2d 362, 363 (Del. 1979). In the appellant's response to the notice to show cause, he states that he did not have sufficient time in the law library to obtain the necessary materials to file his appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 6 and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice